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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 09/646224

In re Patent Application of

GROSE et al.

Serial No. 09/646,224

Filed: September 14, 2000



Atty. Ref.: 1430-252

Group:

Examiner:

For: MAMMALIAN SODIUM CHANNEL PROTEINS

November 1, 2000

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371**

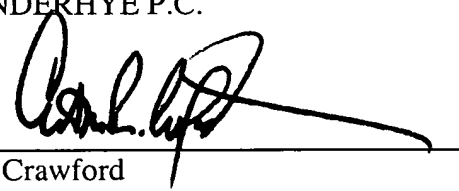
Sir:

Responsive to the Notification of Missing Requirements mailed October 24, 2000 (a copy of which is attached), it is respectfully submitted that the executed Declaration was filed on September 14, 2000. A copy of the PTO mail room date-stamped postcard indicating receipt of the executed Declaration is attached hereto.

Confirmation of receipt of the executed Declaration is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Arthur R. Crawford
Reg. No. 25,327

ARC:pfc
1100 North Glebe Road, 8th Floor
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New National Phase Application of PCT/GB99/00838

Atty: Arthur R. Crawford

Serial No.: (To Be Assigned)

Date: September 14, 2000

Inventor/s: GROSE et al.

C#/M#: 1430-252

Title: MAMMALIAN SODIUM CHANNEL PROTEINS

☒ Preliminary Amendment

☒ Declaration (3 Pages)

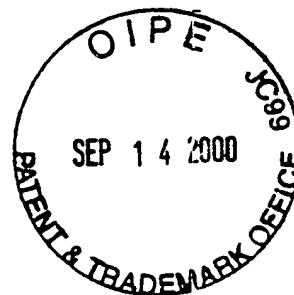
\$840 Fee (Check)

Other:


Transmittal Letter (x2)/

PTO-1449/

International Search Report



FORM PTO-1390 (REV 11-98)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 1430-252
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) (To Be Assigned)
INTERNATIONAL APPLICATION NO. PCT/GB99/00838	INTERNATIONAL FILING DATE 18 March 1999	PRIORITY DATE CLAIMED 18 March 1998
TITLE OF INVENTION MAMMALIAN SODIUM CHANNEL PROTEINS		
APPLICANT(S) FOR DO/EO/US GROSE et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19 th month from the earliest claimed priority date. 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input checked="" type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11. To 16. Below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input checked="" type="checkbox"/> Other items or information. PTO-1449/ International Search Report		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) (To Be Assigned)		INTERNATIONAL APPLICATION NO. PCT/GB99/00838		ATTORNEY'S DOCKET NUMBER 1430-252							
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY							
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5): -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO\$970.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$840.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO\$690.00 -- International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$670.00 -- International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4).....\$96.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%; text-align: center;">S</td> <td style="width:45%; text-align: right;">840.00</td> <td style="width:50%;"></td> </tr> <tr> <td style="text-align: center;">S</td> <td style="text-align: right;">0.00</td> <td></td> </tr> </table>		S	840.00		S	0.00	
S	840.00										
S	0.00										
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).											
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE								
Total Claims	19	-20 = 0	X \$18.00	S	0.00						
Independent Claims	2	-3 = 0	X \$78.00	S	0.00						
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$260.00	S	0.00						
TOTAL OF ABOVE CALCULATIONS =				S	840.00						
Reduction by 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 C.F.R. 1.9, 1.27, 1.28).				S	0.00						
SUBTOTAL =				S	840.00						
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).				S	0.00						
TOTAL NATIONAL FEE =				S	840.00						
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				S	0.00						
Fee for Petition to Revive Unintentionally Abandoned Application (\$1210.00 - Small Entity = \$605.00)				S	0.00						
TOTAL FEES ENCLOSED =				S	840.00						
				Amount to be:							
				refunded	S						
				Charged	S						
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$840.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.</p> <p>d. <input type="checkbox"/> The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.</p> <p>NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>NIXON & VANDERHYE P.C. 1100 North Glebe Road, 8th Floor Arlington, Virginia 22201 Telephone: (703) 816-4000</p>											
				 SIGNATURE							
				Arthur R. Crawford NAME							
				25.327 REGISTRATION NUMBER							
				September 14, 2000 Date							

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APC

09/646-24



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
Address: ASSISTANT ATTORNEY GENERAL FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO. 09/646,224	FIRST NAMED APPLICANT GROSE	ATTY. DOCKET NO. E 1430-252
NIXON & VANDERHYE 1100 NORTH GLEBE ROAD 8TH FLOOR ARLINGTON VA 22201		INTERNATIONAL APPLICATION NO. PCT/GB99/00838
5071		I.A. FILING DATE 03/18/99
		PRIORITY DATE 03/18/98

DATE MAILED: 10/24/00

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

- ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.

- ☒ The International Preliminary Examination Report in English and its Annexes, if any.

- ☒ Translation of Annexes to the International Preliminary Examination Report into English. - ENTERED

- ☒ Preliminary amendment(s) filed 14 Sept 00 and

- ☒ Information Disclosure Statement(s) filed 14 Sept 00 and

- ☐ Assignment document.

- ☐ Power of Attorney and/or Change of Address.

- ☐ Substitute specification filed

- ☐ Statement Claiming Small Entity Status.

- ☒ Priority Document.

- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.

- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Kaya Baltimore
National Stage Process
Telephone: (703) (783) 305-3095

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